Administrative Conference of the United States

MINUTES OF THE ELEVENTH MEETING OF THE COUNCIL

June 29, 1962

Council
E. Barrett Prettyman, *Chairman*
Max D. Paglin, *Vice Chairman*
Manuel F. Cohen
Walter Gellhorn
Joseph P. Healey
Everett Hutchinson
James M. Landis
John D. Lane
Earl Latham
Carl McGowan
Nathaniel L. Nathanson

Administrative Conference of the United States

Executive Secretary, WEBSTER P. MAXSON
Director, Office of Administrative Procedure
Department of Justice, Washington 25, D.C.

Summary of Principal Actions Taken at the Eleventh Meeting of the Council June 29, 1962

1. Approved certain personnel actions taken by the Executive Secretary.

2. Approved the designation of Sidney G. Kingsley by the Atomic Energy Commission to be a member of the Conference vice John S. Graham.

3. Approved the selection of Fred M. Vinson, Jr. as substitute Parliamentarian.

4. Approved the Agenda for the Fourth Plenary Session of the Administrative Conference of the United States.

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Director, Office of Administrative Procedure
Department of Justice, Washington 25, D.C.

File

MEMBERSHIP OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

September 17, 1962

COUNCIL

Chairman E. Barrett Prettyman of the United States
Court of Appeals for the District of Columbia Circuit
Vice Chairman Max D. Paglin of the
Federal Communications Commission
Manuel F. Cohen of the
Securities and Exchange Commission
Walter Gellhorn of the
Columbia University School of Law
Joseph P. Healey of the
Boston Edison Company, Boston, Massachusetts
Everett Hutchinson of the
Interstate Commerce Commission
James M. Landis of the firm
Landis, Feldman, Reilly & Akers, New York, N. Y.
John D. Lane of the firm
Hedrick & Lane, Washington, D. C.
Earl Latham of
Amherst College
Carl McGowan of the firm
Ross, McGowan & O'Keefe, Chicago, Illinois
Nathaniel L. Nathanson of the
Northwestern University School of Law

GENERAL MEMBERSHIP

Robert E. Adams of the
Department of Commerce
Karl E. Bakke of the
United States Tariff Commission
Donald C. Beelar of the firm Kirkland, Ellis, Hodson,
Chaffetz & Masters, Washington, D. C.
James H. Benney of the firm Orrick, Dahlquist,
Harrington & Sutcliffe, San Francisco, California
Marver H. Bernstein of
Princeton University
Carman G. Blough of
Harrisonburg, Virginia
J. D. Bond of the
Atomic Energy Commission
Reva Beck Bosone of the
Post Office Department
Cyril F. Brickfield of the
Veterans Administration
Kent H. Brown of the
State of New York Public Service Commission
Charles W. Bucy of the
Department of Agriculture
Clark Byse of the
Law School of Harvard University
John T. Chadwell of the firm Synder, Chadwell, Keck,
Kayser & Ruggles, Chicago, Illinois
G. Howland Chase of the Board of Governors
of the Federal Reserve System
Cyrus J. Colter of the
Illinois Commerce Commission
John F. Cushman of the
Federal Communications Commission
Richard M. Davis of the firm
Lewis, Grant & Davis, Denver, Colorado
George S. Dixon of the firm
Matheson, Dixon & Bieneman, Detroit, Michigan
Charles Donahue of the
Department of Labor
Thomas J. Donegan of the
Subversive Activities Control Board

Bernard Dunau of the firm
Jaffee & Dunau, Washington, D. C.
David C. Eberhart of the
General Services Administration
Irvin Fane of the firm
Spencer, Fane, Britt & Browne, Kansas City, Missouri
Joseph A. Fanelli of the firm
Fanelli & Spingarn, Washington, D. C.
Roland J. Faricy of the firm
Faricy, Moore, Costello & Hart, St. Paul, Minnesota
William Feldesman of the
National Labor Relations Board
David Ferber of the
Securities and Exchange Commission
Edward W. Fisher of the
Department of the Interior
Thomas J. Flavin of the
Department of Agriculture
Abe Fortas of the firm
Arnold, Fortas & Porter, Washington, D. C.
Ralph Fuchs of the
University of Indiana Law School
Myles F. Gibbons of the
Railroad Retirement Board
Robert E. Giles of the
Department of Commerce
Whitney Gillilland of the
Civil Aeronautics Board
Robert W. Ginnane of the
Interstate Commerce Commission
Nathaniel H. Goodrich of the
Federal Aviation Agency
Frank C. Hale of the
Federal Trade Commission
Lawrence E. Hartwig of the
Renegotiation Board
James McI. Henderson of the
Federal Trade Commission
Harold W. Horowitz of the
Department of Health, Education, and Welfare
Thomas T. F. Huang of the
Department of State
Leo A. Huard of the
University of Santa Clara College of Law

Rosel H. Hyde of the
Federal Communications Commission
John A. Johnson of the
National Aeronautics and Space Administration
T. C. Kammholz of the firm
Vedder, Price, Kaufman & Kammholz, Chicago, Illinois
R. Keith Kane of the firm
Cadwalader, Wickersham & Taft, New York, N. Y.
Sidney G. Kingsley of the
Atomic Energy Commission
Earl Kintner of the firm
Arent, Fox, Kintner, Plotkin & Kahn, Washington, D. C.
John W. Kopecky of the
Housing and Home Finance Agency
William C. Koplovitz of the firm
Dempsey & Koplovitz, Washington, D. C.
Sol Lindenbaum of the
Department of Justice
Karl D. Loos of the firm
Pope, Ballard & Loos, Washington, D. C.
Dominick L. Manoli of the
National Labor Relations Board
John C. Mason of the
Federal Power Commission
Joseph E. McElvain of the
Department of Health, Education, and Welfare
Thomas G. Meeker of the firm Schnader, Harrison,
Segal & Lewis, Philadelphia, Pennsylvania
Lawrence V. Meloy of the
Civil Service Commission
James L. Pimper of the
Federal Maritime Commission
John B. Prizer of the
Pennsylvania Railroad Company, Philadelphia, Pennsylvania
Edwin F. Rains of the
Department of the Treasury
Sidney Rawitz of the
Department of Justice
Emmette S. Redford of the
University of Texas
Hubert A. Schneider of
Pan American World Airways, New York, N. Y.
David Searls of the firm
Vinson, Elkins, Weems & Searls, Houston, Texas

Harold Seidman of the
Bureau of the Budget
Ashley Sellers of the firm
Cummings & Sellers, Washington, D. C.
Edward F. Sloane of the
Federal Home Loan Bank Board
Fred B. Smith of the
Department of the Treasury
Bertram E. Stillwell of the
Interstate Commerce Commission
Fredric T. Suss of the
Small Business Administration
Joseph C. Swidler of the
Federal Power Commission
Earl J. Thomas of the
Department of the Interior
Cyrus R. Vance,
Secretary of the Army
John H. Wanner of the
Civil Aeronautics Board
Howard C. Westwood of the firm
Covington & Burling, Washington, D. C.
Edmund H. Worthy of the
Securities and Exchange Commission
Joseph Zwerdling of the
Federal Power Commission

CONGRESSIONAL REPRESENTATIVES

Everett McKinley Dirksen
Senator from Illinois

Philip A. Hart
Senator from Michigan

Edmund S. Muskie
Senator from Maine

John B. Bennett
Representative from Michigan

Oren Harris
Representative from Arkansas

Walter Rogers
Representative from Texas

ALTERNATE CONGRESSIONAL REPRESENTATIVES

Thomas B. Collins of the
Senate Committee on the Judiciary

Franklin B. Dryden of the
Senate Committee on Appropriations

Cornelius Kennedy of the Senate Subcommittee
on Administrative Practice and Procedure

Kurt Borchardt of the House Committee
on Interstate and Foreign Commerce

Charles P. Howze of the
House Special Subcommittee on Regulatory Agencies

Andrew Stevenson of the
House Committee on Interstate and Foreign Commerce

MINUTES OF THE ELEVENTH MEETING OF THE COUNCIL OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES STATE DEPARTMENT BUILDING, WASHINGTON, D. C.

Friday, June 29, 1962

MEMBERS OF THE COUNCIL

Judge E. Barrett Prettyman,
Chairman
Mr. Max D. Paglin,
Vice-Chairman
Mr. Manuel F. Cohen
Professor Walter Gellhorn
Mr. Joseph P. Healey
Mr. Everett Hutchinson
Mr. James M. Landis
Mr. John D. Lane
Professor Earl Latham
Mr. Carl McGowan
Professor Nathaniel L. Nathanson

Mr. Webster P. Maxson,
Executive Secretary

Judge Prettyman called the meeting to order at 9:00 a.m. All members of the Council except Professors Gellhorn and Latham and Mr. McGowan were present.

Personnel Actions

Judge Prettyman opened the meeting by asking the Council to ratify certain personnel actions taken by Mr. Maxson since the date of the last Council meeting. They being the hiring of additional staff assistance for the Committee on Rulemaking and the Committee on Information and Education and the termination of Mr. Carlile Bolton-Smith's employment. The Council adopted these actions on motion duly made and seconded.

Designation of Sidney G. Kingsley

As the second item of business, Judge Prettyman reported that the Atomic Energy Commission had requested that Mr. Sidney G. Kingsley be substituted for Mr. John S. Graham as a member of the Conference, Mr. John S. Graham having resigned from his position at the AEC. It was also requested that Mr. Kingsley be permitted to participate in the Fourth Plenary Session on June 29, 1962 although the thirty-day notice requirement had not been met. Mr. Kingsley has attended the Conference meetings and is familiar with the work of the Conference. The Council agreed to the request on motion duly made and seconded.

Request of the Committee on Judicial Review for Council Opinion on Successor Conference

Judge Prettyman informed the Council of a letter received from the Chairman of the Committee on Judicial Review indicating that the Committee did not know what type of permanent Conference should be established and desired the thinking of the Council on the subject. It was the consensus that this was the problem of the Committee and furthermore the Council had had a thorough airing of their position at the meeting on May 14, 1962.

Substitute Parliamentarian

Judge Prettyman announced that Leonard Braman, the Conference Parliamentarian, was unable to be present for the Fourth Plenary Session and that he therefore requested Mr. Fred M. Vinson, Jr. to act as Parliamentarian for this session. On motion duly made and seconded the Council agreed to this action.

Agenda for the Fourth Plenary Session

The next item of business was a discussion of the Agenda for the Fourth Plenary Session of the Administrative Conference. There was no comment on Items 1 through 5; however, with respect to Item 6, Mr. Lane objected to the use of Conference funds for the Conference Symposium

to be held at the American Bar Association Convention. He did not believe this was contemplated by the President in Executive Order 10934 nor by the budget for the Conference. It was the consensus of the other members that the conducting of symposia was part of the function of the Conference and that it was covered in the budget. Judge Prettyman recalled this very point having come up before the Appropriation Committee and his stating that the Conference may conduct symposia.

Mr. Cohen noted that Governmental agencies conduct symposia to assist and educate the public and that they have a duty to carry out this function. Judge Prettyman believes that it is much more important for the Conference to educate members of the bar concerning the work of the Conference.

Mr. Lane did not object to informing the Conference of the Symposium to be held but he did object to expending Government funds for conducting it. If, however, the Executive Secretary secures approval of the Budget Bureau for this expenditure, he will have no objection whatsoever to the Conference Symposium. The Executive Secretary was therefore directed to obtain an opinion from the Bureau of the Budget on this matter.

There was no comment on Items 7 and 8 of the Agenda.

Regarding Item 9, Mr. Landis questioned whether the Interstate Commerce Commission was for Recommendation No. 14. Mr. Hutchinson indicated he saw nothing useful in the recommendation and thought the object of the Conference was to improve the administrative procedure. It was the consensus that this was only preliminary to a concrete overall study of the administrative process.

There was no discussion of Items 10 and 11.

It was the consensus that Recommendation No. 16 in Item 12 on the Agenda was a wonderful piece of work although some Council members disagreed with some portions of it. All members agreed to a limit of five minutes' discussion on any one item to any one person.

On motion duly made and seconded the Council agreed to the Agenda for the Fourth Plenary Session, as proposed.

Printing and Permanent Binding of all Published Material for the Conference

As a final item Mr. Landis suggested that inquiry be made to see if some organization would undertake to see that all of the published materials of the Conference be printed and bound into one permanent volume. Mr. Lane was of the opinion that Congress might undertake the task.

Whereupon, the Council adjourned at 9:48 a.m.